

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-10-042
)	
JONATHAN JAMES KEYS,)	D E C I S I O N
)	
Defendant.)	

On September 17, 2018, Defendant was sentenced to the Montana State Prison for ten (10) years to run concurrently with the sentence in DC-10-201, for the offense of Theft, a felony. The Court recommended Defendant be placed in the Intensive Treatment Unit. Defendant was given credit for 10 days on probation and 244 days of time served with an additional 169 days of time served from his February 25, 2011 Judgment.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Sean Hinchey of Hinchey & Hinchey, P.C. Mr. Hinchey appeared by telephonic conference. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

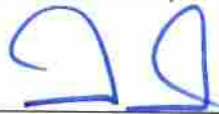
Done in open Court this 21st day of February, 2019.

DATED this 20th day of March, 2019.


SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25th day
of March, 2019, to:

Clerk of District Court (Original)
Jonathan James Keys #38277, Defendant (2)
Hon. Robert B. Allison
Sean Hinchey, Defense Counsel
Travis R. Ahner, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division